

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

MARC NORFLEET,

Plaintiff,

v.

ROGER E. WALKER, JR.,
Director of IDOC, et al.,

Defendants.

Case No. 09-cv-347-JPG-PMF

MEMORANDUM AND ORDER

This matter comes before the Court on Plaintiff Marc Norfleet's Objection (Doc. 98), which the Court construes as an appeal of Magistrate Judge Philip M. Frazier's non-dispositive Order (Doc. 92) of March 1, 2011. *See* SDIL-LR 73.1(a). Said order construed Defendant Mary Loftin's Motion to Dismiss (Doc. 81) as a motion for summary judgment, which the Court has since granted. Doc. 128. Loftin did not respond to the instant appeal.

Norfleet's appeal is effectively moot because the Court ruled on Loftin's construed-summary judgment motion. Even if one ignores that line of reasoning, however, the instant appeal fails to pass muster. A district court reviewing a magistrate judge's decision on non-dispositive issues should only modify or set aside that decision if it is clearly erroneous or contrary to law. *See* Fed. R. Civ. P. 72(a); 28 U.S.C. § 636(b)(1)(A) (2006). The concerns espoused in Norfleet's appeal were addressed by Magistrate Judge Frazier prior to the Court's ruling on Loftin's motion; thus, it can hardly be said that Magistrate Judge Frazier's order fell below the generous deference afforded him.

Being fully advised of the premises, the Court **DENIES** the instant appeal **as moot**.

IT IS SO ORDERED.

DATED: June 9, 2011

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE